IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.M-79727 of 2007 and
Crl. Revision No. 586 of 2006

Date of decision : November 05, 2007.

Iqbal Singh

.... Petitioner

versus

State (U.T. Chandigarh)

.... Respondent

Coram: Hon'ble Mr. Justice A.N. Jindal

Present: Mr. D.S. Marwaha, Advocate
for the petitioner.
Mr. Sunny Kumar, Advocate for
Mr. Sukant Gupta, Advocate
for U.T. Chandigarh.

A.N. JINDAL, J.

This revision petition is directed against the judgment dated 7.12.2005 passed by the learned Additional Sessions Judge, Chandigarh dismissing the appeal of the petitioner and modifying the sentence to the extent that he was ordered to be released on probation on furnishing probation bond to the tune of Rs.20,000/- with one surety of the like amount undertaking to keep peace and be of good behaviour for a period of one year. He was directed to pay compensation to the tune of Rs.4,000/- to the injured Paramjit Kaur wife of the petitioner. It was further directed that she would be able to withdraw Rs.2000/- as deposited by the petitioner on account of fine.

The petitioner withdraws his application for stay of operation of the impugned judgment and also does not press the order of conviction. The only short prayer made by the learned counsel for the petitioner is that he has been convicted for a petty offence under Section 323 read with Section 506 IPC. The complainant is his own wife. If the order of probation are allowed to continue, then it may have bad effect over his service career as department is treating it as a punishment.

Having heard the rival contentions, since the wife has already

been compensated, therefore, it would be expedient in the interest of justice to extend some benefit to the petitioner in the given circumstances of the case.

Consequently, the petition is dismissed with the modification in the impugned judgment that the order of probation awarded against the petitioner would not be treated as disability over his service career.

November 05, 2007 **(A.N. Jindal)**
'deepak' **Judge**

To be referred to reporter: Yes/No.